

Application No.: 10/632,803

Docket No.: 01-VE22.40 CON1
Customer Number 32127

the remote control point comprises a Service Control Point (SCP); and
~~said step of setting a status indicator includes receiving said TCAP message at said SCP;~~
said special calling party number is transmitted in a calling party identification portion of said TCAP message, said special calling party number recognized as an invalid telephone number.

26. (Currently Amended) The method of claim 24 further comprising a step of processing, in response to said status indicator, said ~~a subsequent~~ second call ~~initiated to the same telephone number as said first call.~~

REMARKS

The present Response is in reply to the final Office Action mailed June 6, 2005. Applicant proposes amendment to claims 1-3, 5, 6, 8, 10, 12, 15, 16, 18 and 20-26, and the cancellation of claims 11, 14 and 17 (without prejudice to re-presenting the subject matter of such claims in the future). Claims 1-10, 12-13, 15-16 and 18-26 would remain pending upon entry of the proposed amendments. Issues raised by the Office Action are addressed below.

Claim 26

The Office Action fails to recognize or address new claim 26 added by the Amendment filed March 8, 2005. Absent any outstanding objection or rejection of the claim, it is presumed to be allowable. Otherwise, Applicant requests the Examiner reopen prosecution and issue a new Office Action addressing claim 26.

Information Disclosure Statement

The Examiner states that the Information Disclosure Statement filed November, 2003 failed to comply with 37 CFR 1.98(a)(2) because no PTO/SB/08 form or copies of the references were received. In response, Applicant refers the Examiner's attention to the postcard stamped by the U.S. Patent and Trademark Office mailroom acknowledging receipt of the Information Disclosure Statement on November 4, 2003 including "Form PTO-1449" [sic., PTO/SB/08 as the substitute form for the former] and "14 Copies of References". Copies of the postcard and file

10/06/05 THU 07:43 FAX 8727183946

VERIZON IP

→→→ USPATENT-AMEND

011

Application No.: 10/632,803

Docket No.: 01-VE22.40 CON1
Customer Number 32127

copies of the documents submitted are attached hereto as an exhibit. It is further noted that, as the present application was filed after June 30, 2003, the requirement of 37 CFR 1.98(a)(2) has been waived. See OG Notices: 05 August 2003.¹ Accordingly, consideration of the previously submitted documents and entry thereof into the record of the present application are respectfully requested.

Claim Rejections

Claims 1-8, 10-20, 22-23, and 25 stand rejected under 35 U.S.C. 102(b) as being anticipated by Pepper et al (5,930,700, hereinafter "Pepper"). Claims 9, 21 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pepper. Applicant traverses these rejections, based on the following.²

Claim 1 recites a method that includes:

- recognizing a condition;
- initiating a first call in response to recognizing the condition, including transmitting a first call set-up message indicating a first special calling party number;
- detecting a trigger when said first call reaches a switching point in the telecommunications network;
- in response to detecting the trigger, transmitting a first query message to a control point in the telecommunications network, said first query message including said special calling party number;
- receiving said first query message at said control point; and
- storing an indicator of said condition in response to receiving said first special calling party number.

¹ Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003: ... The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003...

² As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

Application No.: 10/632,803

Docket No.: 01-VE22.40 CON1
Customer Number 32127

Pepper does not teach or suggest such method. For example, Pepper does not teach or suggest "initiating a first call in response to recognizing the condition, including transmitting a first call set-up message indicating a first special calling party number," or "storing an indicator of said condition in response to receiving said first special calling party number." as recited in claim 1.

The Examiner asserts that Pepper teaches

recognizing a condition (this reads on alerting the subscriber that there is a pending call, see col. 6, lines 42-46); initiating a first call including transmitting a call set-up message (this reads on the caller identification information that is sent to the called party, see col. 6, lines 12-22); indicating a special calling party number (this reads on the caller ID for calling party, calling party telephone number, see col. 6, lines 12-17 and/or calling party PIN, see col. 12, lines 60-63).
... (Office Action, p. 3.)

Applicant notes, however, that Pepper does not describe a system which a call is initiated in response to recognizing a condition using a special calling party number. At best, Pepper describes receiving a call request, detecting the call request, and sending an alert containing a called party number (identified using DNIS) and a calling party number (identified using ANI) to a service control module. However, Pepper does not describe initiating a call in response to recognizing a condition.

The Examiner further asserts that Pepper "also teaches storing in response to said special calling party number an indicator of said condition in response to receiving said special calling party number (see col. 9, lines 58-65)." (Office Action, p. 3.) Applicants note that the cited portion of Pepper merely describes a database that stores various information, such as a date book, phone book and pending message. It does not describe storing an indicator of said condition in response to receiving the special calling party number, as required by claim 1.

Based on the foregoing, Applicant believes claim 1 to be patentable over Pepper, and respectfully requests that the Examiner withdraw the rejection of claim 1. As claims 2-9 and 21-23 depend from claim 1, and therefore include all of the limitations of claim 1, Applicant believes claims 2-9 and 21-23 to be patentable over Pepper for at least the same reasons as claim

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→→→ USPATENT-AMEND

013

Application No.: 10/632,803

Docket No.: 01-VE22.40 CON1
Customer Number 32127

1,³ and respectfully requests that the Examiner withdraw the rejections of claims 2-9 and 21-23 as well.

In further contrast to Pepper, claim 10 recites a system that includes:

a switched telephone network including a plurality of switching points interconnected by a plurality of communication links, and further including a number of subscriber lines associated with respective subscribers;

a database connected to the switched telephone network, the database storing call processing records associated with respective subscribers of said switched telephone network;

a server configured to detect a condition of a subscriber line associated with one of the respective subscribers and, in response to detecting the condition, initiate a call to the subscriber line including a call set-up message indicating a special calling party number;

wherein said switching points are configured to receive the call set-up message and transmit a query message to said database in response to receiving said call set-up message, the query message including the special calling party number, and wherein said database is configured to receive said query message and to set a service status flag of a call processing record associated with said subscriber line in response to receiving the special calling party number.

Pepper does not teach or suggest the system of claim 10. For example, Pepper does not teach or suggest "a server configured to detect a condition of a subscriber line associated with one of the respective subscribers and, in response to detecting the condition, initiate a call to the subscriber line including a call set-up message indicating a special calling party number," or a database "configured to receive said query message and to set a service status flag of a call processing record associated with said subscriber line in response to receiving the special calling party number," as recited in claim 10. As noted above with respect to claim 1, Pepper does not describe any device that detects a subscriber line condition and initiates a call to the subscriber line using a call set-up message including a special calling party number. Likewise, Pepper does not describe setting a service status flag associated with a subscriber in response to receiving the special calling party number.

³ As Applicant's remarks with respect to the base independent claims are sufficient to overcome the Examiner's rejections of all claims dependent therefrom, Applicant's silence as to the Examiner's assertions with respect to dependent claims is not a concession by Applicant to the Examiner's assertions as to these claims, and Applicant reserves the right to analyze and dispute such assertions in the future.

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014

Application No.: 10/632,803

Docket No.: 01-VE22.40 CON1
Customer Number 32127

Based on the foregoing, Applicant believes claim 10 to be patentable over Pepper, and respectfully requests that the Examiner withdraw the rejection of claim 10. As claims 12, 13, 15 and 16 depend from claim 10, and therefore include all of the limitations of claim 10, Applicant believes claims 12, 13, 15 and 16 to be patentable over Pepper for at least the same reasons as claim 10, and respectfully requests that the Examiner withdraw the rejections of claims 12, 13, 15 and 16 as well.

In further contrast to Pepper, claim 18 recites a network that includes:

a plurality of a Service Switching Points (SSPs) configurable to provision triggers associated with telephone lines of designated ones of subscribers served by respective ones of said SSPs;

a system configured to detect a condition associated with one of the telephone lines of one of the designated subscribers of the telephone network and, in response to said condition, initiate a call to said telephone line using an ISDN User Part (ISUP) call set-up message including a special calling party number;

a service control point (SCP) connected to said plurality of SSPs and configured to store service status indicators associated with each of said designated subscribers;

wherein said plurality of SSPs are further configured to receive the ISUP call set-up message including the special calling party number and, in response, transmit a TCAP query message including the special calling party number to the SCP, and wherein the SCP is configured to receive the query message, modify the service status indicator associated with the one of the designated subscribers based on the special calling party number, and supply call handling instructions based on the service status indicator associated with the one of the designated subscribers for subsequent calls to said telephone line.

Pepper does not teach or suggest a network. For example, Pepper does not describe "a system configured to detect a condition associated with one of the telephone lines of one of the designated subscribers of the telephone network and, in response to said condition, initiate a call to said telephone line using an ISDN User Part (ISUP) call set-up message including a special calling party number," or an SCP "configured to receive the query message, modify the service status indicator associated with the one of the designated subscribers based on the special calling party number, and supply call handling instructions based on the service status indicator associated with the one of the designated subscribers for subsequent calls to said telephone line," as recited in claim 18. Applicant notes that claim 18 includes many similar limitations to those

Application No.: 10/632,803

Docket No.: 01-VE22.40 CON1
Customer Number 32127

in claim 10 (including additional limitations, for example, with respect to specific message formats and system devices), and thus Applicant believes claim 18 to be patentable over Miner for at least the same reasons as claim 10 (discussed above). As a result, Applicant respectfully requests that the Examiner withdraw the rejection of claim 18. As claim 19 depends from claim 18, and therefore include all of the limitations of claim 18, Applicant believes claim 19 to be patentable over Pepper for at least the same reasons as claim 18, and respectfully requests that the Examiner withdraw the rejection of claim 19 as well.

In further contrast to Pepper, claim 20 recites a method that includes:

identifying a connection status of said telephone line of said called party;
determining whether the connection status indicates a busy condition of
the telephone line;
in response to determining a busy condition --
(a) initiating a first call to said called party using a call set-up message
indicating a special calling party number;
(b) transmitting a first query message to a remote control point, said
first query message including said special calling party number, and
(c) in response to receiving said special calling party number at the
remote control point, setting a status indicator of said telephone line at said
remote control point;
receiving a request for a second call to the telephone line, the second call
from a calling party;
initiating the second call using a second call set-up message indicating a
calling party number associated with the calling party; and
transmitting a second query message to the remote control point, said
second query message including the calling party number associated with the
calling party.

Pepper does not teach or suggest such a method. For example, as noted with respect to claim 1, Pepper does not describe "in response to determining a busy condition . . . initiating a first call to said called party using a call set-up message indicating a special calling party number, . . . and . . . in response to receiving said special calling party number at the remote control point, setting a status indicator of said telephone line at said remote control point," as recited in claim 20. Moreover, Pepper does not teach or suggest "initiating the second call using a second call set-up message indicating a calling party number associated with the calling party;

10/06/05 THU 07:46 FAX 9727183946

VERIZON IP

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016

Application No.: 10/632,803

Docket No.: 01-VE22.40 CON1
Customer Number 32127

and transmitting a second query message to the remote control point, said second query message including the calling party number associated with the calling party." The absence of these portions of claim 20 from the description in Pepper indicates that claim 20 is patentable over Pepper, and Applicant respectfully requests that the Examiner withdraw the rejection of claim 20. As claims 24-26 depend from claim 20, and therefore include all of the limitations of claim 20, Applicant believes claims 24-26 to be patentable over Pepper for at least the same reasons as claim 20, and respectfully requests that the Examiner withdraw the rejections of claims 24-26 as well.

10/06/05 THU 07:48 FAX 9727183946

VERIZON IP

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017

Application No.: 10/632,803

Docket No.: 01-VE22.40 CON1
Customer Number 32127CONCLUSION

In view of the foregoing, Applicant respectfully submits that the pending claims are in condition for allowance. Reconsideration and allowance are respectfully requested. If there are any outstanding issues which need to be resolved to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned representative by phone at the number indicated below to discuss such issues. To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to deposit account number 07-2347. With respect to this application, please charge any other necessary fees and credit any overpayment to that account.

Respectfully submitted,

October 6, 2005
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10/06/05 THU 07:47 FAX 9727183948

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→→→ USPATENT-AMEND

018

Application No.: 10/632,803

Docket No.: 01-VE22.40 CON1
Customer Number 32127

Exhibits

18

10/06/05 THU 07:47 FAX 9727183946

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→→→ USPATENT-AMEND

019

Application No.: 10/632,803

Docket No.: 01-VE22.40 CON1
Customer Number 32127

Atty. Docket No.: 035 CON/09908721

Inventor: John H. Wurster, et al.

U.S. Serial Application No.: 10/632,803

Filing Date: August 4, 2003

Title: TELEPHONE NETWORK CONTROL SYSTEM AND METHOD

Documents Filed:

INFORMATION DISCLOSURE STATEMENT
FORM PTO-1449

14 COPIES OF REFERENCES

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